

REMARKS

By this amendment, the specification, drawings, and claims 1 and 4-9 are amended, claims 12 and 13 are added, and claims 2, 10, and 11 are canceled to place this application in condition for allowance. Currently, claims 1, 3-9, 12, and 13 are before the Examiner for consideration on their merits.

By separate Letter to the Draftsperson, the correction to the drawings regarding reference numeral 51 is made, and the objection in this regard should be withdrawn.

The specification has also been amended to correct the minor informalities therein. Regarding the disclosure regarding the stop, Applicant contends that the disclosure is not unclear. What the disclosure means is that if the stop is not there, the person doing the hanging has to hold the d-ring in place, and this is just an alternative embodiment to the preferred embodiment wherein the stop is employed so that person does not have to hold the d-ring in place. No further revision is necessary to the specification in this regard. However, the Examiner is invited to telephone the undersigned if this is the only issue left preventing allowance of the application.

Regarding the rejection under 35 U.S.C. § 112, second paragraph, claims 1, 4, 6, and 7 have been amended to overcome the informalities noted in the rejection.

Regarding claims 1 and 7, Applicant's intent was to claim the subcombination in claim 1, and the combination in claim 7. These claims have been duly revised to make this clear. Claim 1 is also revised to include the plate limitation of claim 2.

By the changes to claims 1, 4, and 7, it is respectfully submitted that the claims are fully definite under 35 U.S.C. § 112, second paragraph, and the rejection should be withdrawn.

The prior art rejections are addressed below.

CLAIM 1

Claim 1 has been amended by incorporating the plate aspect of claim 2 therein and deleting the reference to the size of the second end portion so that the claim will encompass the manual vertical alignment of the ring as discussed above.

The inclusion of the limitations of claim 2 into claim 1 remove the rejection based on Sheehan, and the only outstanding rejection left is the one based on United States Patent No. 4,333,625 to Haug.

Although claim 2 was rejected based on Haug, Haug does not teach the plate aspect of the hanger. Element 15 of Haug is designed to receive a hammer for installation, but there is no suggestion that 15 be made to extend to or beyond the arm. In fact, Figure 6 clearly shows that the end 15 does not even approach the extension of the arm 19. Moreover, since the hanging methodology of Haug is totally opposite that which is used with the present invention, one of skill in the art would not be led to make the front end so that it would contact the back of the picture frame. In Haug, the hanger is first attached to the wall surface, and then the picture is hung. The instant invention first attaches the body to the d-ring, and the prongs of the body are then pressed into the wall using the picture and plate of the body.

Since Haug completely lacks the plate aspect of claim 1 as now claimed, Haug cannot anticipate claim 1. Moreover, since there is no motivation to modify Haug to form the claimed plate, Haug cannot be used under 35 U.S.C. § 103(a). Therefore, claim 1 is patentably distinguishable from this reference.

CLAIM 7

Claim 7 claims a combination of the hanger and a d-ring assembly. In the Office Action, the Examiner rejects claim 7 under 35 U.S.C. § 103(a) based on the combination of United States Patent No. 3,298,651 to Passer when taken in view of United States Patent No. 1,914,951 to Kiessling. In the rejection, the Examiner asserts that it would be obvious to support the d-ring containing picture of Kiessling using the hanger of Passer. This rejection fails for the same reason that the rejection of claim 1 fails. That is, the hanger of Passer lacks the claimed plate limitation, and therefore, even if Passer and Kiessling were combined, the combination of claim 7 would still not be taught. In fact and unlike Haug, there is no plate extending away from the prongs, and this claim limitation is totally absent from Passer. Lacking this, even if one were to combine Passer and Kiessling, the invention of claim 7 is still not taught.

Further, it is contended that the Examiner's combination of references is improper since there is no motivation to combine the two references. The Examiner contends that one of skill in the art would be motivated to support the picture of Kiessling using the d-ring of Passer. However, Passer teaches that his hanger is adapted for wire, not d-rings. Moreover, since Kiessling's d-ring extends above the picture frame, why would one of skill in the art use a hanger such as Passer that would expose the entire hanger above the picture of Kiessling? Therefore, the rejection should be withdrawn on the basis that the requisite motivation is lacking to support the rejection under 35 U.S.C. § 103(a).

CLAIMS 8-10 and 12

Claim 8 has been amended to generically define the step of maintaining the body in a generally vertical position as is discussed above, and new claim 12 further defines the maintaining step via use of the body structure. Claim 13 defines the maintaining step as

using the length of the body. No new matter is added since the specification clearly teaches that the body can be held vertically by the user, and claim 13 was originally found in claim 8.

In the office action, the Examiner rejects the method claims based on the combination of Haug and Kiessling. Specifically, the Examiner contends that Haug teaches the method except for using a d-ring instead of a wire. This aspect of the rejection is in error since Haug does not teach the step of first attaching the body to the d-ring, and then pressing the wall article to connect the body to the wall. In Haug, the hanger is first attached to the wall, and then the picture is hung by the wire being attached to the hooks of the installed hanger. There is no first step of attaching anything to the wall article, followed by pressing the wall article to the wall for hanging purposes.

Kiessling does not supply the deficiency in Haug, since Kiessling is merely representative of a d-ring, and says nothing about connecting the wall article using a body that would be first attached to the d-ring, and then pressed into a wall for hanging purposes.

Therefore, the Examiner has failed to establish a *prima facie* case of obviousness against claim 8, and this claim along with its dependent claims is in condition for allowance.

SUMMARY

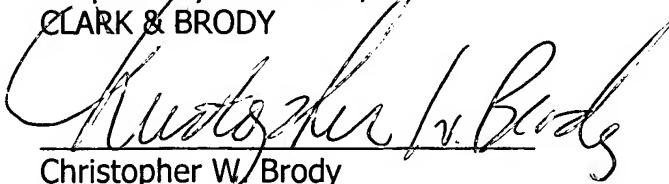
In summary, it is contended that the rejections as applied to claims 1, 7, and 8 do not establish a *prima facie* case of obviousness, and these claims along with their respective dependent claims are now in condition for allowance. Further, all other formalities have been addressed by this Amendment.

Accordingly, the Examiner is respectfully requested to examine this application in light of this amendment, and pass all pending claims onto issuance.

If the Examiner believes that an interview would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 202-835-1753.

Please charge any fees to deposit account no. 50-1088, and credit any excess fees paid to the same account.

Respectfully submitted,
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